

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Langdon	Team: Team # 7	CCRB Case #: 200716311	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/25/2007 9:50 AM	Location of Incident: § 87(2)(b)	Precinct: 49	18 Mo. SOL 4/25/2009	EO SOL 4/25/2009	
Date/Time CV Reported Mon, 11/05/2007 12:01 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/08/2007 2:57 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. SGT Thomas Kid	05561	893229	NARCB BX
3. CPT Lorenzo Johnson	00000	894081	VED BX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Richard Olmo	05172	916359	NARCB BX

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered and searched § 87(2)(b) #, in the Bronx.	§ 87(2)(b)
B.CPT Lorenzo Johnson	Abuse: Capt. Lorenzo Johnson refused to show a search warrant to § 87(2)(b)	§ 87(2)(b)
C.SGT Thomas Kid	Discourtesy: Sgt. Thomas Kid spoke obscenely to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
D.CPT Lorenzo Johnson	Discourtesy: Capt. Lorenzo Johnson spoke obscenely to § 87(2)(b)	§ 87(2)(b)

## Synopsis

On November 8, 2007, § 87(2)(b) contacted the CCRB via telephone in order to report a complaint about the following incident.

At approximately 9:50 AM on October 25, 2007, officers including Sgt. Thomas Kid and Capt. Lorenzo Johnson entered § 87(2)(b)'s apartment at § 87(2)(b) in the Bronx and began to search it (Allegation A). § 87(2)(b) asked Capt. Johnson to see a search warrant, to which he allegedly did not respond (Allegation B). Sgt. Kid entered a bedroom and told § 87(2)(b) § 87(2)(b)'s daughter, to "get the fuck up." Sgt. Kid returned to the living room and allegedly screamed, "Where the fuck is it?" (Allegation C). Capt. Johnson allegedly said, "I can do whatever the fuck I want to do because we have a warrant" (Allegation D). § 87(2)(b) and § 87(2)(b) were brought to the precinct, but were released without being charged.

This case was original assigned to Investigator Daniel Erickson. Upon his resignation from the agency, it was reassigned to Investigator Robert Langdon on October 2, 2008.

§ 87(2)(g)

## Summary of Complaint

On November 27, 2007, § 87(2)(b) was interviewed at the CCRB (encl. 6). She is a § 87(2)(b) old black female who is 5'6" tall and weighs 200 lbs.

On October 25, 2007, at approximately 9:50 AM, § 87(2)(b) was inside the living room of her one-bedroom apartment, Apartment § 87(2)(b) of § 87(2)(b) in the Bronx. Her § 87(2)(b)-old daughter, § 87(2)(b) was sleeping in the bedroom. § 87(2)(b) heard movement at her door. Two officers, PO1, a white or Hispanic male who was bald and 6'0" tall, and a white male who was 5'7" tall with dark brown or black hair and was identified through the investigation as Capt. Johnson, entered the apartment after popping open the door with a crowbar. PO1 and Capt. Johnson had § 87(2)(b) stand in her living room. Approximately seven to nine police officers in plainclothes entered the apartment and began searching around. One of the officers told § 87(2)(b) that she was under investigation for selling marijuana. She told the officers that she had marijuana for personal use, but was not selling it. § 87(2)(b) asked Capt. Johnson to see a warrant. Capt. Johnson did not respond. Capt. Johnson found a joint and a small bag of marijuana in the living room. § 87(2)(b) said that it smelled as though someone had been drinking. An officer whom she could not describe immediately exited the apartment. She told the officers that her daughter was asleep in the bedroom. A white male officer who was 5'9" tall and weighed 170 lbs, identified through the investigation as Sgt. Kid, went to the bedroom, kicked the door open, and told her daughter, "Get the fuck up." Sgt. Kid returned to the living room and screamed at § 87(2)(b) "Where the fuck is it? We are going to tear this place up until we find it." Sgt. Kid went into the kitchen and said that he found two bags of marijuana. § 87(2)(b) stated that she might have had two bags of marijuana in her kitchen cabinet. § 87(2)(b) asked the officers not to tear up her house. Capt. Johnson responded, "I can do whatever the fuck I want to do because we have a warrant." PO1 took § 87(2)(b) and her daughter downstairs and to a blue van, which brought them to the precinct. They were released from the precinct without being charged.

## Results of Investigation

### Civilian Statements

#### § 87(2)(b)'s Photo Array

On January 20, 2009, § 87(2)(b) was shown a photo array of potential subject officers (encl. 7). The array included all officers from the tactical plan and roll call, including Capt. Johnson, Sgt. Kid, Det. Lisandro Rivera, Det. Edwin Gines, Det. Jose Peinan, Det. Brian McLaughlin, Det. Steve Alonso, Det. Richard Olmo, Det. Anthony Acosta and ten random Hispanic and white male officers as filler. § 87(2)(b) recognized the photo of Sgt. Kid, Det. Rivera, Det. Alonso, Det. Olmo, and a filler white male officer, but was not able to specifically connect them to any allegations. § 87(2)(b) recognized the photo of Capt. Johnson, referred to him as the captain, and stated that he was the officer who said, "We can do any fucking thing we want to do."

#### § 87(2)(b)'s Official Statement

On January 9, 2008, § 87(2)(b) was interviewed at the CCRB (encl. 8). She is a § 87(2)(b) black female who is 5'4" tall and weighs 140 lbs.

On October 25, 2007, at approximately 9:50 AM, § 87(2)(b) was asleep in her bedroom inside § 87(2)(b) in the Bronx. § 87(2)(b) heard the apartment door get kicked down and then officers telling her mother, "Get the fuck down." The officers asked her mother if there was anyone else inside the apartment, and she replied that her daughter was in the bedroom. Officers tried to kick down the bedroom door, and § 87(2)(b) told them to turn the doorknob. Three officers entered the bedroom. § 87(2)(b) asked the officers if they had a warrant. A white male who was 5'7" tall with grey hair and a mustache, identified as Sgt. Kid, replied, "You've been watching too much TV." Sgt. Kid told § 87(2)(b) "Get the fuck out of bed." PO2, a Hispanic male who was 5'11" tall and had a goatee, asked her if there was anything in the room they should know about. She pointed out the marijuana on her nightstand. The officers retrieved it and looked through her room. An officer escorted § 87(2)(b) through the apartment. She saw three other officers and overheard an officer threatening to break the television to her mother, but could not describe this officer. Officers escorted § 87(2)(b) and her mother to the precinct, from which they were ultimately released.

#### § 87(2)(b)'s Photo Array

On January 20, 2009, § 87(2)(b) was shown a photo array of potential officers (encl. 9). The array included all officers from the tactical plan and roll call, including Capt. Johnson, Sgt. Kid, Det. Rivera, Det. Gines, Det. Peinan, Det. McLaughlin, Det. Alonso, Det. Olmo, Det. Acosta and ten random Hispanic and white male officers as filler. § 87(2)(b) recognized the photo of Sgt. Kid and stated that he was the officer who entered her room and told her to "get the fuck up." § 87(2)(b) recognized a filler Hispanic male officer as present at the incident, but did not attribute any allegations to him. She also recognized several other officers, but could not say they were at the incident or anything about them other than that she recognized their faces.

### Attempts to Identify and Contact Additional Civilians

§ 87(2)(b) and her daughter identified themselves as the only individuals inside the apartment when the officers entered; § 87(2)(g)

## **Officer Statements**

### **Det. Richard Olmo's Memo Book**

Det. Olmo's memo book for October 25, 2007 (encl. 10) contains an entry at 8:00 AM for the tactical meeting, an entry at 9:15 AM for the execution of the search warrant with two arrests, and an entry at 10:15 AM indicating the apartment was secured.

### **Det. Richard Olmo's CCRB Statement**

On February 26, 2008, Det. Olmo was interviewed at the CCRB (encl. 11). Det. Olmo is a § 87(2)(b)-old Hispanic male who is 5'10" tall and weighs 190 lbs.

On October 25, 2007, Det. Olmo worked from 7:27 AM until 4:00 PM. He was assigned as the arresting officer and was working with the tactical response field team. He was dressed in plainclothes and assigned to vehicle number § 87(2)(b).

At approximately 9:15 AM, Det. Olmo participated in the execution of a search warrant at § 87(2)(b) in the Bronx. Det. Olmo was the bunker. Once the front door of the apartment was breached with a ram, he was the first officer to enter the apartment. He first encountered § 87(2)(b) while she was standing in the living room. § 87(2)(b) was not posing a threat, moving around or saying anything to him so he passed her off to someone behind him and continued clearing the apartment. § 87(2)(b) was handcuffed by another officer, though Det. Olmo did not witness it. Det. Olmo next encountered § 87(2)(b) who was located in a bedroom, getting out of bed. Det. Olmo was the first person to enter the bedroom and ordered § 87(2)(b) to put her hands on her head and not to move. Det. Olmo handcuffed § 87(2)(b) and she was escorted to the living room where she was held with § 87(2)(b). Det. Olmo and the other officers began to search the apartment, which included looking in any compartment that was big enough to contain narcotics. Two bags of marijuana the size of a cell phone were discovered in the kitchen, some unidentified pills were found in the living room and some more marijuana was discovered in the § 87(2)(b)'s bedroom. § 87(2)(b) and § 87(2)(b) were placed under arrest and escorted out of the apartment. Det. Olmo did not see them again until they were being processed at the precinct. Det. Olmo was not wearing a red hat at the time of the search warrant and could not recall if any other officer present were. He could not recall the names of any officers present. He did not say nor could he recall any officer using profanity towards either § 87(2)(b) or § 87(2)(b). Det. Olmo has conducted three previous search warrants at this apartment within the last year.

### **Sgt. Thomas Kid's Memo Book**

Sgt. Kid's memo book for October 25, 2007 (encl. 10) contains an entry at 9:10 AM for the arrival at the apartment and an entry at 9:15 AM for the execution of the search warrant with two arrests for criminal possession of a controlled substance and possession of marijuana.

### **Sgt. Thomas Kid's CCRB Statement**

On July 31, 2008, Sgt. Kid was interviewed at the CCRB (encl. 13). Sgt. Kid is a § 87(2)(b)-old white male who is 5'10" tall and weighs 185 lbs.

On October 25, 2007, Sgt. Kid was assigned to Bronx Narcotics to execute a search warrant. He was working with a field team and the arresting officer was Det. Richard Olmo. Sgt. Kid was in plainclothes and in an unmarked patrol car.

Sgt. Kid viewed a copy of the pre-execution plan (encl. 18) and confirmed that the officers list on the plan were the officers that he was working with on the date of the incident. He was assigned to execute a search warrant at § 87(2)(b) § 87(2)(b) at which time the officers had a no-knock search warrant signed

by a Bronx judge (encl. 15). Capt. Johnson accompanied the officers along with a lieutenant. Sgt. Kid believed it was Lt. McCormick.

Sgt. Kid's role in the execution of the search warrant was that of a supervisor; he was supervising the officers executing the search warrant to ensure that everything was done properly. He was the fifth officer to enter the apartment. Once he entered the apartment, the officers secured all the individuals in the apartment, let them know why they were there, showed them the search warrant, secured them, and conducted the search. Sgt. Kid did not recall the details of the execution. The standard procedure is that if the officers find anything that is illegal, then the occupants are arrested. The officers then secure the apartment, make sure the door is locked when they leave, and then go back to process the arrest.

The apartment was in a messy condition when he entered. Sgt. Kid did not recall how many people were inside but according to the paperwork there were two of them. Sgt. Kid did not recall where the individuals were located inside the apartment. Sgt. Kid did not recall what the occupants were wearing at the time of the incident. While he was inside the apartment, Sgt. Kid supervised the officers searching the apartment and also took part in searching the apartment. The search warrant allowed the officers to search the entire apartment, Sgt. Kid did not recall specifically what areas of the apartment he searched. Photographs of the apartment provided by § 87(2)(b) were shown to Sgt. Kid, but he was not able to tell from the photographs if that was the same apartment that he searched. Sgt. Kid did not recall what was found, but stated that given that they were arrested some narcotics must have been found. The post-execution plan indicated that marijuana was found in the apartment, but Sgt. Kid did not recall if anything else was found. Sgt. Kid stated that if they were arrested and charged, then there must have been something else found in the apartment. Sgt. Kid did not recall interacting with § 87(2)(b). Sgt. Kid did not say or hear any officer say, "I can do whatever the fuck I want because I have a warrant," "Get the fuck up," or, "Where the fuck is it at?"

None of the occupants asked to see a search warrant while inside the apartment. They would have been shown a copy if they asked. It was the responsibility of everyone on the field team to show them a copy of the search warrant if requested. Sgt. Kid was not sure if all the members of the field team had copies. He stated that he always carries a copy and that he left a copy behind at the scene and explains to them why they are there and shows them a copy of it. A copy of the search warrant is available to everyone. The captain, lieutenant, sergeant, and arresting officers carry copies. Sgt. Kid always leaves a copy of the search warrant in the apartment. When they hand out tactical plans to officers a copy of the search warrant is attached to the back. There were multiple copies of the search warrant present at the scene.

#### **Capt. Lorenzo Johnson's CCRB Statement**

On February 3, 2009, Capt. Johnson was interviewed at the CCRB (encl. 14). Capt. Johnson is a § 87(2)(b)-old white male who is 5'10" tall and weighs 225 lbs.

Capt. Johnson does not keep a memo book and did not have any information regarding his tour or assignment on the date of the incident, October 25, 2007.

Capt. Johnson did not recall the incident that occurred on October 25, 2007. Capt. Johnson was shown the pre-execution report, the tactical plan, and the arrest report corresponding to the incident, but he did not recall any details of the incident. It was mentioned that there were two black females inside the apartment, a mother and daughter and that there was an arrest for possession of marijuana. Capt. Johnson still did not recall the incident. He was not specifically familiar with § 87(2)(b) in the Bronx. At the time of the incident, Capt. Johnson was involved in approximately twenty-five search warrant executions a month.

#### **Police Documents**

The **search warrant** (encl. 15) authorizes the Police Department to search § 87(2)(b) of § 87(2)(b) in the Bronx between 6:00 AM and 9:00 PM for marijuana, paraphernalia, evidence of marijuana packaging and evidence, and personal papers and effects. The warrant has to be executed within ten days of the issuance on § 87(2)(b).

The Bronx Narcotics **roll call** for the Tactical Response module for October 25, 2007 (encl. 16) lists that Sgt. Kid, Det. Acosta, Det. Perez, Det. Olmo, Det. Alonso, and Det. Gines are on duty and have “S/W” under “reason for adjustment.” Det. Rivera is on duty, but is not explicitly assigned to the search warrant.

The **tactical plan** (encl. 17) indicates that Det. Olmo obtained the search warrant and that Capt. Johnson was the ranking officer in charge. Sgt. Kid was assigned to be entry supervisor, Det. Olmo and Det. Acosta were assigned to bunker, Det. Rivera and Det. Alonso were assigned to cuff and toss, Det. Gines and Det. Peinan were assigned to hallway security, Det. Perez and Det. McLaughlin were assigned to rear and front security, and § 87(2)(e), § 87(2)(f) was assigned to do a walk-on.

§ 87(2)(e), § 87(2)(f)

The **decline to prosecute form** (encl. 21) indicates that § 87(2)(b) and § 87(2)(b) were not charged with controlled possession of a criminal substance because the officers were not able to identify the pills found and because the marijuana obtained was less than twenty-five grams.

### **Criminal History of Civilians**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **CCRB History of Subject Officers**

For an incident that occurred on November 15, 2006 and that was investigated as CCRB case number 200615435, Capt. Johnson received instructions from the Police Department as a result of a substantiated allegation of premises entered. Capt. Johnson had no other substantiated CCRB allegations in a 21-year tenure with the CCRB (encl. 2).

For an incident that occurred on October 7, 2003 and that was investigated as CCRB case number 200308045, Sgt. Kid received instructions from the Police Department as a result of substantiated allegation of threat of arrest, threat of force, and discourtesy. Sgt. Kid had no other substantiated CCRB allegations in a 21-year tenure with the CCRB (encl. 1).

### **CCRB History of Civilians**

A search of the CTS database returned no additional complaints under the name § 87(2)(b) (encl. 3).

### **Status of Court Case**

As indicated by the decline to prosecute form, no court case arose from this incident.

## Conclusions and Recommendations

### Allegations Not Pleaded

§ 87(2)(g)

### Officer Identification

§ 87(2)(g)

§ 87(2)(b) alleged that an officer ignored her request to see a search warrant and said, “I can do whatever the fuck I want to do because we have a warrant.” When shown a photo array of potential subject officers, she identified Capt. Johnson with certainty as the officer who said, “We can do any fucking thing we want to do.” § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that an officer told § 87(2)(b) to “get the fuck out of bed” or “get the fuck up.” In addition, § 87(2)(b) said that this officer said, “Where the fuck is it?” When shown a photo array of potential subject officers, she identified Sgt. Kid with certainty as the officer who said, “Get the fuck up.” § 87(2)(g)

### Undisputed Facts

It is undisputed that officers entered § 87(2)(b)'s apartment at approximately 9:50 AM on October 25, 2007 without consent and proceeded to search it.

### Disputed Facts

§ 87(2)(g)

### Assessment of Evidence

§ 87(2)(g)

§ 87(2)(b) Capt. Johnson did not recall the incident and so was unable to recall whether he was asked to show a warrant and whether he ever showed a warrant. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

§ 87(2)(g) [Redacted]

**Allegations**

**Allegation A: Officers entered and searched § 87(2)(b) in the Bronx.**  
The search warrant, signed by a Bronx supreme court judge, states that officers were allowed to search the above apartment for marijuana and evidence of marijuana sale. § 87(2)(g)

[Redacted]

**Allegation B: Capt. Lorenzo Johnson refused to show a search warrant to § 87(2)(b)**

**Allegation C: Sgt. Thomas Kid spoke obscenely to § 87(2)(b) and § 87(2)(b)**

[Redacted]

**Allegation D: Capt. Lorenzo Johnson spoke obscenely to § 87(2)(b)**

§ 87(2)(g) [Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:



Reviewed by:

Date: